

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

\* \*

GERALD HESTER, *etc., et al.*,

Plaintiff(s),

vs.

VISION AIRLINES, INC.,

Defendant(s),

2:09-cv-117-RLH-RJJ

JUDGE ROGER L. HUNT  
ORDER REGARDING TRIAL

1. Attached hereto is a list of the civil and criminal cases that are presently scheduled for the stacked trial calendar before the **Honorable Roger L. Hunt, Chief United States District Judge, at Las Vegas, Nevada**, commencing on **MONDAY, OCTOBER 4, 2010 at 8:30 a.m.** in Courtroom Number #6C.

2. Counsel for all parties in civil and criminal cases, and all pro se parties, shall appear in Courtroom Number #6C on **WEDNESDAY, SEPTEMBER 29, 2010 at 8:45 a.m.** for Calendar Call. Unless a party in a civil case or a defendant in a criminal case is appearing pro se, the individual parties in civil cases and defendants in criminal cases will not be required to appear for Calendar Call unless the Court directs otherwise.

3. Counsel or their clients will be excused from Calendar Call if settlement papers have been filed in a civil case or a defendant's plea of guilty or nolo contendere has been received in a criminal case prior to the date scheduled for Calendar Call.

4. **At Calendar Call**, all cases that remain to be tried will be ranked in order of trial.

1 The Court may also schedule a final Pretrial Conference to address outstanding issues including  
 2 any Motions *In Limine* that have not been previously ruled upon. Thereafter, the Court will not  
 3 grant a continuance to any party absent a showing of good cause. Unless the Court otherwise directs,  
 4 the cases will be tried one after the other on **TWENTY-FOUR (24) HOURS'** notice from the  
 5 Courtroom Administrator.

6 5. **CHANGE OF PLEA HEARINGS IN CRIMINAL CASES.** Hearings for the purpose  
 7 of **change of plea** in criminal cases will be set for **CALENDAR CALL** unless otherwise set. It  
 8 shall be the joint responsibility of counsel for Plaintiff United States and for the Defendant to ensure  
 9 that the original plea agreement is delivered to Courtroom Administrator, and a copy faxed to  
 10 chambers at 464-5531 by 4:00 p.m. on the day prior to when the plea of guilty or nolo contendere  
 11 is to be taken. It shall further be the responsibility of counsel for Plaintiff United States to ensure  
 12 that any necessary Produce Orders or Writs of Habeas Corpus Ad Prosequendum are timely  
 13 delivered to the United States Marshal to ensure the presence of all in-custody defendants for change  
 14 of plea, and to ensure proper notification for the attendance of any court interpreter which may be  
 15 required for the particular case.

16 6. **WITNESSES.** Counsel and any parties appearing pro se, shall immediately subpoena  
 17 all witnesses for the time and trial date as listed above. Inasmuch as some cases will be tried in a  
 18 trailing fashion, the subpoenas should contain a special instruction from counsel directing witnesses  
 19 to contact the **office of counsel** for further instructions prior to appearing for trial. Witnesses are not  
 20 required to be present at the Calendar Call.

21 7. **USE OF EVIDENCE DISPLAY EQUIPMENT.** Counsel wishing to utilize the court's  
 22 evidence display equipment must contact the Courtroom Administrator ***prior to Calendar Call*** to  
 23 determine its availability and to arrange for training, if needed.

24 8. **EXHIBITS.** At **Calendar Call**, any party appearing pro se shall file with the Courtroom  
 25 Administrator in every civil and criminal case, a complete exhibit list of all exhibits that are intended  
 26 to be used during the trial. **No later than Noon (12:00 p.m.) on the day of Calendar Call** counsel  
 27 shall electronically file their complete exhibit list. Numerals shall be used to identify all exhibits.  
 28 Plaintiff's exhibits shall be marked 1 through 500. Defendant's exhibits shall be marked 501 through

1000. The exhibits list format shall conform to the requirements of the form provided by the Courtroom Administrator or obtained from the Court's website *www.nvd.uscourts.gov*.

**Each exhibit shall be pre-marked with an exhibit sticker.** In any case which involves fifteen or more document exhibits, the pre-marked exhibits shall be placed in a loose-leaf binder behind a tab noting the number of each exhibit and each exhibit shall be pre-marked with an exhibit sticker. The binder shall be clearly marked on the front and side with the case caption and number and the sequence of exhibits. If oversized binders are used, the holes in the documents shall be large-sized so that the pages may be easily turned. At the commencement of trial, counsel shall provide the Courtroom Administrator with the binder containing the exhibits and a courtesy set for the trial judge. *If it is necessary to use more than three binders, the party shall contact the Courtroom Administrator **prior to Calendar Call for additional directives.***

9. **PROPOSED JURY VOIR DIRE QUESTIONS.** At Calendar Call, any party appearing pro se shall file with the Courtroom Administrator an original and one copy of any proposed jury voir dire questions which they request the Court to pose to prospective jurors at the time of jury selection. **No later than Noon (12:00 p.m.) on the day of Calendar Call** *counsel shall electronically file* their proposed jury voir dire questions.

10. **WITNESS LISTS.** At Calendar Call, any party appearing pro se shall file with the Courtroom Administrator a list of witnesses expected to be called. **No later than Noon (12:00 p.m.) on the day of Calendar Call** *counsel shall electronically file* a list of witnesses expected to be called for use by the Court during jury selection.

11. **STATEMENT OF THE CASE.** At Calendar Call, any party appearing pro se in a civil case shall file with the Courtroom Administrator a brief statement of the case, no longer than one-half page, stating the nature of the claims and offenses, to be read to prospective jurors at the time of jury selection. **No later than Noon (12:00 p.m.) on the day of Calendar Call** *counsel shall electronically file their brief statement of the case.* In a criminal case, a copy of the Indictment, indicating which portions should be read to the jury, should be submitted to the Courtroom Administrator at Calendar Call.

12. **JURY INSTRUCTIONS IN CRIMINAL CASES.** Counsel are to comply with the

“Order Regarding Pretrial Procedure.” **No later than Noon (12:00 p.m.) on the day of Calendar Call, counsel are required to electronically file proposed jury instructions and email a copy in WordPerfect format to chambers at RLH\_Chambers@nvd.uscourts.gov.** The parties are further advised that the undersigned district judge has developed his own “stock” or “general” jury instructions drawn principally from the **Manual of Model Criminal Jury Instructions for the Ninth Circuit.** Proposed Instructions submitted by counsel need not include the Court’s “stock” jury instructions.

13. **GOVERNMENT’S TRIAL MEMORANDUM.** In all criminal cases, Plaintiff United States shall submit its original **Government’s Trial Memorandum** under seal **at Calendar Call** and shall also provide a reading copy for the court. The Government’s Trial Memorandum shall be served on counsel for Defendant on the date trial commences and will be unsealed and filed by the Court at that time.

14. **JURY INSTRUCTIONS IN CIVIL CASES.** In all civil cases to be tried before a jury, counsel are required to file proposed jury instructions **no later than noon (12:00 p.m.) on the day of Calendar Call.** Any party appearing pro se shall file their proposed jury instructions with the Courtroom Administrator **at calendar call.** Counsel are required to *electronically file a joint* set of agreed-upon jury instructions and form of verdict **no later than noon (12:00 p.m.) on the second day of trial.** To meet this requirement, the parties are required to serve their proposed jury instructions upon each other at least two weeks prior to trial, and thereafter confer to arrive at a single set of jointly agreed upon jury instructions. To the extent the parties are unable to agree as to the form of any particular instruction(s), each party shall also file the jury instruction(s) which are not agreed upon together with the respective arguments and authorities of the parties in support thereof.

The parties are further advised that the undersigned district judge has developed his own “stock” or “general” jury instructions drawn principally from the **Manual of Model Civil Jury Instructions for the Ninth Circuit.** Proposed instructions submitted by counsel need not include the Court’s “stock” instructions. Therefore, the efforts of the parties in preparing the jury instructions in compliance with this Order should be focused on developing special jury instructions which relate to the particular claims and defenses at issue as well as those relating to

1 damages and any special evidentiary matters pertinent to the case. All proposed jury instructions  
 2 submitted by the parties should be concise, understandable, and neutral statements of law.  
 3 Argumentative jury instructions are improper, will not be given, and should not be submitted.  
 4 **Additionally, counsel shall email a copy of all proposed jury instructions in WordPerfect**  
 5 **format to chambers at RLH\_Chambers@nvd.uscourts.gov.**

6 **15. TRIAL BRIEFS, PROPOSED FINDINGS OF FACT AND CONCLUSIONS**  
 7 **OF LAW.** To the extent they have not already done so in accordance with the Court's Joint  
 8 Pretrial Order, any party appearing pro se shall file an original and two copies of a trial brief in all  
 9 civil cases **at Calendar Call. No later than noon (12:00 p.m.) on the day of Calendar call,**  
 10 *counsel shall electronically file* their trial brief. Additionally, in all civil cases to be tried before the  
 11 court sitting without a jury, the parties shall electronically file proposed Findings of Fact and  
 12 Conclusions of Law **no later than noon (12:00 p.m.) on the day of Calendar Call.**

13 **16. EXPEDITED OR DAILY TRANSCRIPTS.** Any party that will require expedited or  
 14 daily transcripts shall *notify the Court Reporter, Heather Newman, at 702-464-5828* **immediately**  
 15 **upon receipt of this order.** Failure to timely notify the Reporter may result in the refusal to  
 16 **provide expedited or daily transcripts.**

17 **17. SANCTIONS.** As provided for under the Local Rules of Practice of this Court, the Court  
 18 will consider the imposition of sanctions against any attorney or party appearing pro se who: (1) fails  
 19 to timely file trial briefs, suggested voir dire questions and proposed jury instructions or proposed  
 20 findings of fact and conclusions of law, whichever is applicable, as prescribed by the Pretrial Order,  
 21 Order Regarding Pretrial Procedure, Scheduling Order or any order extending the time for such  
 22 filings; (2) fails to comply with the provisions of this order including, but not limited to, the failure  
 23 to appear for Calendar Call without first having been excused by the Court or the clerk with the  
 24 permission of the Court; or (3) fails to timely comply with any other order that schedules deadlines  
 25 for trial preparation.

26 **18. TRIAL JUDGE.** Although the cases listed on the attached trial calendar are assigned  
 27 to the undersigned, the cases may proceed to trial before another Nevada district judge or a visiting  
 28 district judge.

/S/  
\_\_\_\_\_  
ROGER L. HUNT, U.S. District Judge

TRIAL CALENDAR OF THE HONORABLE ROGER L. HUNT, CHIEF UNITED STATES DISTRICT JUDGE,  
AT LAS VEGAS, NEVADA, COMMENCING ON **MONDAY, OCTOBER 4, 2010 AT 8:30 A.M.**, WITH  
CALENDAR CALL SET FOR **WEDNESDAY, SEPTEMBER 29, 2010 AT 8:45 A.M.**, Courtroom 6C.

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1. 2:07-cr-51-RLH-PAL	UNITED STATES OF AMERICA vs. CONNIE S. FARRIS	PR BOND
Jury Trial (Estimated __ Day)	63-Count Indictment: 18 USC §§ 1341 & 2	
<b>For Plaintiff:</b> Brian Pugh, AUSA 388-6336	<b>For Defendant:</b> Shari Kaufman, AFD 388-6557	

***Scheduled to Commence on 10/12/2010***

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2. 2:09-cr-57-RLH-GWF	UNITED STATES OF AMERICA vs. WILLIE ALLEN DILLARD	CUSTODY
Jury Trial (Estimated __ Day)	1-Count Indictment: 18 USC §§ 922(g)(1) and 924(a)(2)	
<b>For Plaintiff:</b> Roger Yang, AUSA 388-6336	<b>For Defendant:</b> Richard Boulware, AFD 388-6577	

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3. 2:10-cr-268-RLH-PAL	UNITED STATES OF AMERICA vs. MARIO LATREVIOUS JOHNSON aka Mario Latrevious Johnston	CUSTODY
Jury Trial (Estimated __ Day)	1-Count Indictment: 18 USC §§ 111(a)	
<b>For Plaintiff:</b> Bradley Giles, AUSA 388-6336	<b>For Defendant:</b> James Hartsell, Appointed 384-3132	

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**TRIAL CALENDAR**  
**OCTOBER 4, 2010**
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4. 2:10-cr-404-RLH-RJJ

UNITED STATES OF AMERICA

vs.

ISABEL QUITERO-PALMA

CUSTODY

Jury Trial (Estimated \_\_ Day)

1-Count Indictment:  
8 USC § 1326**For Plaintiff:**Robert Bork, AUSA  
An Nguyen, AUSA  
388-6336**For Defendant:**Raquel Lazo, AFD  
388-6577***Spanish Interpreter Required***

2:09-cv-117-RLH-RJJ

GERALD HESTER, *etc.*, *et al.*

vs.

VISION AIRLINES, INC.

Jury Trial (Estimated \_\_ Day)

Complaint (*Class Action*):  
Unjust Enrichment *etc.***For Plaintiff:**Ross Goodman (local counsel)  
383-5088**For Defendant:**Harold Gewerter  
382-1714Kenneth Hartman  
Brett von Borke  
305-372-1800David Buckner  
305-442-8666***Motions in Limine Pending******No Settlement Conference Scheduled to Date***

5. 2:09-cv-1413-RLH-GWF

ETHAN MILLER, *etc.*

vs.

HRHH HOTEL/CASINO, LLC, *etc.*, *et al.****SETTLED\****Complaint:  
Copy Right Infringement; Breach of Contract, *etc.***For Plaintiff:**Mark Borghese  
Ryan Gile  
382-4804**For Defendant:**Andrew Sedlock  
650-7900John Delikanakis / Justin Carley  
784-5200***\*Awaiting Stipulation to Dismiss***